

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**GREGORY ALLEN ROBINSON, JR.,  
#1532823,**

Petitioner,

V.

**NATHANIEL QUARTERMAN, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,**

Respondent.

Civil Action No. **3:09-CV-544-L**

## ORDER

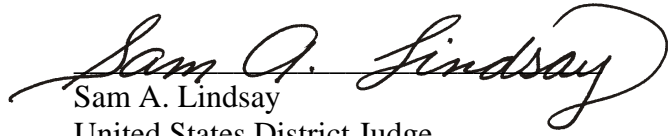
Before the court is Robinson's Petition for Writ of Habeas Corpus, filed March 23, 2009. Pursuant to Special Order 3-251, the petition was referred to United States Magistrate Judge Wm. F. Sanderson, Jr.

This is a habeas petition filed pursuant to 28 U.S.C. § 2254. On April 6, 2009, the magistrate judge determined that Petitioner was not eligible to proceed *in forma pauperis* and ordered him to tender the \$5 filing fee within thirty days. Petitioner failed to comply with this order. On June 1, 2009, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”) was filed. The magistrate judge recommends that the court deny Petitioner’s request to proceed *in forma pauperis*. He also recommends that the court deny the petition for writ of habeas corpus if Petitioner fails to pay the filing fee within ten days of the magistrate judge’s recommendation or fails to request an extension of this deadline.

Having reviewed the petition, file, record, and the Report in this case, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are

therefore **accepted** as those of the court. Accordingly, the court **denies** Petitioner's request to proceed *in forma pauperis*. Over ten days have passed since the magistrate filed his Report. Petitioner has neither paid the \$5 filing fee nor requested an extension of time by which to do so. Therefore, he has failed to comply with a court order, and the court **dismisses without prejudice** the petition for writ of habeas corpus pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

**It is so ordered** this 24th day of June, 2009.

  
Sam A. Lindsay  
United States District Judge